United States District Court
For the Northern District of California

1   IN THE UNITED STATES DISTRICT COURT

2   FOR THE NORTHERN DISTRICT OF CALIFORNIA

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4   TRANSPERFECT GLOBAL, INC.,   No. C 10-2590 CW
     TRANSPERFECT TRANSLATIONS
     INTERNATIONAL, INC., and   ORDER REGARDING
5   TRANSLATIONS.COM, INC.,   MOTIONS TO SEAL

6   Plaintiffs,

7   v.

8   MOTIONPOINT CORP.,

9   Defendant.
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10   ─────────────────────────────────

11   Before the Court are the parties' administrative motions to

12   seal. Pursuant to Civil Local Rule 79-5, a document may be filed

13   under seal only if a party establishes that the portions sought to

14   be sealed "are privileged, protectable as a trade secret or

15   otherwise entitled to protection under the law." Civ. L.R. 79-

16   5(b). Any sealing request must be narrowly tailored to cover only

17   sealable material. Id. The request must be supported by the

18   designating party's declaration establishing that the information

19   is sealable. Id. subsection (d).

20   "Historically, courts have recognized a 'general right to

21   inspect and copy public records and documents, including judicial

22   records and documents.'" Kamakana v. City & Cnty. of Honolulu,

23   447 F.3d 1172, 1178 (9th Cir. 2006). In considering a sealing

24   request, the Court begins with "a strong presumption of access

25   [as] the starting point." Id. The documents sought to be filed

26   under seal in this case are related to the parties' calculations

27   of the amount of post-verdict royalties due. A party seeking to

28   seal materials related to non-dispositive motions must show good

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1   cause by making a "particularized showing" that "specific

2   prejudice or harm will result" should the information be

3   disclosed. Id. at 1179-80; Fed. R. Civ. P. 26(c). "[B]road,

4   conclusory allegations of potential harm" will not suffice. Foltz

5   v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1131 (9th Cir.

6   2003).

7   I.   Docket Nos. 559 and 561

8   Both parties have filed administrative motions to file under

9   seal unredacted versions of their separate filings related to

10 their calculations of post-verdict royalties due. The motions to

11 seal are based on MotionPoint's assertion that its revenue

12 information is confidential.

13   Although MotionPoint did not file a declaration in support of

14 TransPerfect's motion to seal the revenue information, it did file

15 a declaration in support of its own motion. Because the

16 declaration supports a finding that the revenue information is

17 highly sensitive and confidential business information that is not

18 ordinarily disclosed and because MotionPoint and TransPerfect seek

19 to seal same information, the Court will GRANT both parties'

20 motions to seal. However, MotionPoint is advised that it is

21 responsible for filing declarations in support of motions to seal

22 filed by other parties based on its confidentiality designations.

23 In this case, the material was limited and the Court was able to

24 determine that the declaration MotionPoint filed in support of its

25 own motion applied equally to TransPerfect's motion. However,

26 this will not always be the case.

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1   II.   Docket No. 566

2   TransPerfect has also filed a motion to file under seal

3   unredacted versions of Exhibits 1-3, 5 and 6 to the declaration of

4   Gabriel Gross filed in support of TransPerfect's objections and

5   response to MotionPoint's calculation of post-verdict royalites.

6   TransPerfect states that these documents contain information

7   designated by MotionPoint as confidential.

8   Because the public interest favors filing all court documents

9   in the public record, any party seeking to file a document under

10 seal must demonstrate good cause to do so. This cannot be

11 established simply by showing that the information has been

12 designated as confidential, but rather must be supported by a

13 sworn declaration demonstrating with particularity the need to

14 file each document under seal. See Local Rule 79-5(a). If a

15 party wishes to file a document that has been designated as

16 confidential by another party or to refer to such information in a

17 memorandum or other filing, it is required to file and serve an

18 administrative motion seeking a sealing order. See Local Rule 79-

19 5(d). The designating party then must file a declaration

20 establishing that the document is sealable within four days

21 thereafter. See Local Rule 79-5(e).

22   MotionPoint has not filed a declaration in support of the

23 motion to seal as required by Civil Local Rule 79-5(e).

24 Accordingly, the Court DENIES TransPerfect's motions to seal

25 (Docket No. 566). Within four days of the date of this order,

26 MotionPoint shall file these exhibits to the declaration in the

27 public record.

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CONCLUSION

For the reasons stated above, the Court GRANTS the motions to seal at Docket Numbers 559 and 561 and DENIES the motion to seal at Docket Number 566.

IT IS SO ORDERED.

Dated: December 16, 2014   _____
                                             CLAUDIA WILKEN
                                             United States District Judge